In the High Court of Punjab and Haryana, Chandigarh.

C.W.P.No.1795 of 1997

Date of Decision: 24.9.2007

Satnam Singh

…Petitioner.

Versus

State of Punjab and Others.

…Respondents.

CORAM: HON'BLE MR.JUSTICE RAJESH BINDAL

Present: Mr.Gurnam Singh, Advocate
for the petitioner.

Mr.Parveen Chander Goyal, Sr. DAG Punjab
for the respondents.

JUDGMENT

RAJESH BINDAL, J.

The prayer made in the present writ petition is for quashing the Government instructions dated September 27, 1989 (Annexure P-8) with a further direction to the respondents to consider the petitioner for appointment as Assistant Sub Inspector of Police, on the basis of recommendations made by the Departmental Selection Committee.

It is not in dispute in the present case that the recommendations were made by the Departmental Selection Committee for the posts of Assistant Sub Inspector of Police, which were advertised in the year 1992. The present petition was filed before this Court in the year 1997, which was

admitted directly as the petitioner had relied upon admission of earlier C.W.P. No.13591 of 1993 involving the same selection.

At the very outset, learned counsel for the respondents raised preliminary objection praying for dismissal of the writ petition on account of delay and laches. He submitted that the selection pertains to year 1992 and the present writ petition was filed by the petitioner only in the year 1997. It is further submitted that the petitioner was not entitled for appointment for the reason that the last candidate selected from the Ex-Serviceman category had obtained 76 marks, whereas the petitioner had obtained only 65 ½ marks.

In reply to the preliminary objection raised by the learned counsel for the State, learned counsel for the petitioner relied upon **Ajit Singh v. The Punjabi University, Patiala 1997(3) S.C.T. 416 (P&H)** and **Rattan Singh v. The State of Haryana 1995(1) S.C.T. 711 (P&H).**

The facts under consideration in **Ajit Singh's case** (supra) wherein the issue regarding delay and laches was considered, were quite different as compared to the facts of the present case. In that case, the writ petition was filed in the year 1994 with the facts that the rejection of representation of the petitioner was made in the year 1992 and decision thereof was conveyed to the petitioner in October 1993.

In **Rattan Singh's** (supra), a Division Bench of this Court held that twin grounds of delay and laches evolved by the Courts for denying relief to those who sleep over their rights for a long time, is only a rule of self-imposed limitation. The Court can still grant relief in case no settled things are going to be unsettled and no third party is likely to be adversely affected.

However, in the present case, keeping in view the facts & circumstances, both these judgments will not be of any help to the petitioner as admittedly, for the selection in 1992, the appointments have already been

made. Even thereafter, admittedly further selection was also made in the year 1993. If the petitioner is given appointment at this stage by considering his claim made by filing the present petition in this Court in the year 1997, the settled things, such as the seniority amongst appointed candidates in the year 1992 and thereafter in the 1993, will certainly be affected. The plea of the petitioner that some posts are still lying vacant cannot be a good ground to entertain the petition which is filed belatedly.

Accordingly, upholding the preliminary objection raised by the respondents, the writ petition is dismissed on account of delay and laches only.

(Rajesh Bindal)
Judge

DATED: 24.9.2007
"DK"

The claim made in the petition is that action on the part of the respondents in not considering the claim of the petitioner for appointment as Assistant Sub Inspector of Police against the post meant for Ex-Serviceman quota merely for the reason that he had already availed of the benefit of reservation against Ex-Serviceman quota, while recruited as Constable. He relied upon judgment of this Court rendered in **Bhulla Singh and another v. State of Punjab and others" C.W.P. No.13591 of 1993 decided on 7.9.2007,** wherein this Court, on interpretation of the rules applicable, held that the benefit of reservation for the second time cannot be denied to Ex-Serviceman.